

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARVIN A. EATON, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

EDAP TMS S.A., MARC OCZACHOWSKI and  
ERIC SOYER,

Defendants.

No. 1:14-cv-06069-LGS  
ECF Case

RONNIE HADDAD, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

EDAP TMS S.A., MARC OCZACHOWSKI and  
ERIC SOYER,

Defendants.

No. 1:14-cv-06188-LGS  
ECF Case

**NOTICE OF NON-OPPOSITION OF TIMOTHY BURCH TO COMPETING MOTIONS  
FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

On October 3, 2014, pursuant to Section 21(D)(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. §78u-4(a)(3)(B), Timothy Burch (“Burch”) filed a motion for his appointment as lead plaintiff in connection with the above-captioned securities fraud class actions. Four similar motions were filed by other putative class members in these actions.

The PSLRA provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” §15 U.S.C. 78u-4(a)(3)(B)(iii)(I).

Having reviewed the competing motions and supporting papers, it appears that Burch does not possess the “largest financial interest in the relief sought by the class,” as required by the PSLRA. However, were the Court to determine that the other lead plaintiff movants with larger losses than Burch are incapable or inadequate to represent the class in this litigation, Burch continues to be willing and able to serve as lead plaintiff or as a class representative.

By this Notice of Non-Opposition, Burch does not waive his rights to participate and recover as a class member in this litigation, and Timothy Burch remains ready, willing and able to serve as lead plaintiff if the need arises.

Respectfully submitted,

DATED: October 15, 2014

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**PROOF OF SERVICE BY ELECTRONIC POSTING PURSUANT TO SOUTHERN  
DISTRICT OF NEW YORK ECF AND LOCAL RULES AND BY MAIL  
ON ALL KNOWN NON-REGISTERED PARTIES**

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old.

On October 15, 2014, I served true and correct copies of **NOTICE OF NON-OPPOSITION OF TIMOTHY BURCH TO COMPETING MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 15th day of October, 2014, at New York, New York.

*s/ Gregory B. Linkh*

Gregory B. Linkh

## Mailing Information for a Case 1:14-cv-06069-LGS

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)